IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2508 of 2006

HANUMAN BUX & ORS.
V/S
SHRI NIWAS & ORS.

Mr. SAJJAN SINGH, for the appellant / petitioner

Mr. DD CHITLANGI, for the respondent

Date of Order : 17.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Learned counsel for the respondent has shown for perusal of the Court, the original trust deed, and from perusal of the original which was shown to the learned counsel for the petitioner also it does not transpire that there ever existed the word "नहीं" so much so that the language of endorsement is in continuous writing containing no over-writing, nor erases, nor any space to indicate that there existed some word which does not exist, or some different word existed.

In that view of the matter, finding recorded bythe learned trial court, about there being no material alterations in the document, does not require any interference. That being the position, the other part of

the order deciding the application under Section 151 read with Section 45 Evidence Act also does not require any interference.

So far as the direction of the learned trial court to the effect that the objection about admissibility of the evidence can be decided at the time of final hearing is concerned, that also become meaningless in view of the aforesaid findings recorded by the learned trial court, and affirmed by this Court.

The writ petition is, therefore, dismissed with the aforesaid observations. It is pointed out by the learned counsel for the respondent that vide order dt. 9.11.2004, the learned trial court was directed to decide the suit expeditiously. Obviously that direction stands.

(N P GUPTA),J.

/sushil/